

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KEYSTONE FRUIT MARKETING, INC.,)	
)	No. CV-05-5087-RHW
Plaintiff,)	
)	ORDER GRANTING PLAINTIFF'S
v.)	MOTION FOR RECONSIDERATION
)	AND DIRECTING ENTRY OF
WILLIAM G. and JANET H.)	JUDGMENT ON (NEW) SWEET
BROWNFIELD,)	CLOVER LLC'S FIRST ANSWER TO
)	THIRD WRIT
Defendants,)	
and)	---
)	CLERK ACTION REQUIRED ---
(NEW) SWEET CLOVER PRODUCE,)	
LLC,)	
)	
Garnishee.)	

BEFORE THE COURT on Order of Reference (Ct. Rec. 466) is Plaintiff Keystone Fruit Marketing, Inc.'s Motion for Reconsideration (Ct. Rec. 543) of the court's denial of Plaintiff's Motion for Entry of Judgment, entered June 16, 2009. (Ct. Rec. 542). Attorney George M. Ahrend of Dano Gilbert & Ahrend, PLLC, Moses Lake, Washington, represents Plaintiff. The procedure is governed by FED. R. CIV. P. 62(a), 64 and 69(a), and the appropriate substantive law is Revised Code of Washington (RCW) Chapter 6.27. See *Harrah's Club v. Van Blitter*, 902 F.2d 774 (9th Cir. 1990).

On June 18, 2008, judgment was entered by this court in favor of Plaintiff against Defendants William and Janet H. Brownfield (Defendants), in the sum of \$683,153.65. (Ct. Rec. 403, 468.) On January 6, 2009, this court granted Plaintiff's Application for **Third** Writ Garnishment Continuing Lien on Earnings against Sweet

ORDER GRANTING PLAINTIFF'S MOTION FOR RECONSIDERATION AND
DIRECTING ENTRY OF JUDGMENT ON (NEW) SWEET CLOVER LLC'S FIRST
ANSWER TO THIRD WRIT- 1

1 Clover Produce, LLC (Garnishee), and the Writ was issued. (Ct. Rec.
2 519.) Notice of Garnishment and Rights of Debtor, and of Notice of
3 Exemptions was served on Defendants on March 25, 2009. (Ct. Rec.
4 520.) On April 22, 2009, Garnishee filed a Second Answer to the
5 Third Writ, (Ct. Rec. 526), stating that William G. Brownfield was
6 no longer employed by Sweet Clover Produce, LLC.

7 The record now shows that ownership of Garnishee, Sweet Clover
8 Produce, LLC, was transferred on or about March 20, 2009. (Ct. Rec.
9 544 at 3; *Id.* at Exhibit B.) Plaintiff re-served the Third Writ on
10 the "new" Sweet Clover Produce, LLC, owners on May 1, 2009. (Ct.
11 Rec. 519, 532.) On May 14, 2009, the "new" Sweet Clover Produce,
12 LLC (Garnishee) filed its First Answer to the Third Writ, stating
13 that at the time of service, it was in possession of Defendants'
14 nonexempt earnings in the amount of \$1,372.71. (Ct. Rec. 531.) The
15 Answer has not been controverted and the time for objection has
16 passed. RCW 6.27.210, .220. Entry of judgment on Garnishee's First
17 Answer and judgment against Defendants for recoverable costs
18 requested is proper under RCW 6.27.265.

19 It appearing that Garnishee was indebted to Defendants in the
20 nonexempt amount of **\$1,372.71**; that at the time of the Third Writ of
21 Garnishment was issued, Defendant William Brownfield was employed by
22 the "new" Garnishee and that Plaintiff has incurred recoverable
23 costs and attorney fees of **\$40.00**;

24 **IT IS ORDERED:**

25 1. Plaintiff's Motion for Reconsideration of Order on Motion
26 for Judgment on Answer (**Ct. Rec. 543**) is **GRANTED**.

27 2. Plaintiff is awarded judgment against Garnishee Sweet
28 Clover Produce, LLC, in the amount of **\$1,372.71**.

1 3. Garnishee is directed to pay the judgment amount to
2 Keystone Fruit Marketing, Inc. at: Dano Gilbert & Ahrend, PLLC, P.O.
3 Box 2149, Moses Lake, Washington 98837. Garnishee is advised that
4 the failure to pay its judgment amount may result in execution of
5 the judgment against the Garnishee.

6 4. Plaintiff is awarded judgment against Defendants William
7 G. and Janet H. Brownfield in the amount of **\$40.00** for recoverable
8 costs.

9 **The District Court Executive is directed to file this Order and**
10 **and sign and enter Judgment Against Garnishee** as described above and
11 provide copies to counsel for Plaintiff and Defendants and
12 Garnishee.

13 DATED July 1, 2009.

14
15 S/ CYNTHIA IMBROGNO
16 UNITED STATES MAGISTRATE JUDGE
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